

SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT

Prepared by Stella Forinash, edited and modified by Brian David Hill

Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023

1. Chimney people deny putting tin instead of screen on chimney causing carbon monoxide to go inside our home because no where for gas to escape 11 months (Oct. 2017) before my arrest. Denied coming to the house. Phone call logs/records & canceled check proves they did come and got paid. **See EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
2. Court appointed lawyer never introduces or pushes as evidence in the Court the expert testimony from the chimney expert who found the tin 3 months after my arrest (Jan. 2019) and immediately removed it explaining that the damage inside our home was caused by carbon monoxide coming from our natural gas hot water heater & natural gas boiler furnace into the house – nowhere else to escape. **See EXHIBIT APPENDIX PG. 18 OF 532 of EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
3. Doctor at hospital does not test the blood sugar from a type 1 brittle diabetic (Sept 2018) who was out walking for miles & hours in the middle of the night wearing no clothes. It is on hospital records that I am a type 1 diabetic (take insulin) with seizure history when glucose goes low; have autism & OCD. **See EXHIBIT PAGE 253-260 OF 337 of EXHIBITS 1-25 attached to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”**
4. They do other blood work, charge Medicaid for the blood work, then destroy the blood work without any result per hospital & Medicaid billing records. **See EXHIBIT PAGE 260 OF 337, EXHIBIT PAGE 88-91 OF 337, and EXHIBIT PAGE 248-249 OF 337 of EXHIBITS 1-25 attached to: “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS”.**
5. I requested body camera footage, my family requested body camera footage, court appointed attorney requested body camera footage, court requested body camera footage. No one follows through. I discovered on 2-13-2023 body cam was not marked as evidence and destroyed after these entire request for it. **See pleading: Brian Hill FOIA Request.pdf,**

Letter from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.

6. Police who arrested me admits in court that I told him that I had autism. Also admits in court that after years of being a police officer, he has very little training in autism. Autism, type 1 (insulin dependent) diabetes and OCD are all covered under the Americans with Disabilities Act. I have medical proof from 1994 and from 2019-2023 that I have all 3 disabilities plus more. **See EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25 attached to: "MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS".**
7. Police who did the arrest admits in court he was not aware that I was a type 1 diabetic and have OCD. **Again, see EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25.**
8. Court appointed attorney does not give my full mental history around the time of the alleged crime to the one doing the mental evaluation. It is very clear on the records of the Piedmont Community Services that I was diagnosed (Explained by whom, date & the diagnosis). **See EXHIBIT INDEX PAGE 164-170 OF 317, EXHIBIT 19: Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018 for attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL" by Brian David Hill. Filed with Clerk on August 31, 2022.**
9. Police did not investigate, just arrest. I was put in jail and punished due to a Medical emergency in the middle of the night while my caregiver and family were asleep. **See Element 1 in Statement of the Facts, Pages 22-36 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS.**
10. Medical records – tachycardia (meaning resting blood pulse is over 100 which is abnormally high, indication of possibly a serious medical issue)- given oxygen – written on hospital records to see my doctor the next morning for more test. All of this ignored by police & court. **See Pages 56-57 of 107 in MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS**
11. Former Assistant Public Defender Scott Albrecht does absolutely nothing to compel compliance with Court Orders for the discovery evidence materials directly material to the charged crime. Material evidence was deleted/destroyed by Martinsville Police Department not knowing that the destroyed evidence should have been marked as evidence because prosecuting Attorney Glen Andrew Hall and Scott Albrecht both didn't do anything despite the court orders for discovery. Both failed as officers of the court to do their duty and wasted the court's time by allowing destruction of evidence and allowing non-compliance with Court Orders. **See pleading: Brian Hill FOIA Request.pdf, Letter**

from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.

12. In 2023, it is discovered that a lawyer named "Scott Albrecht" has been found to be an Assistant Commonwealth's Attorney according to a printout from Staff Directory of the City of Martinsville, a local government website. Same name as the Assistant Public Defender Scott Albrecht who represented me, Brian David Hill, since the Public Defender was appointed as my counsel of record. See recently filed "DECLARATION OF BRIAN DAVID HILL OF NEW EVIDENCE CONCERNING PUBLIC DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS", filed on February 13, 2023.

- Respectfully filed with the Honorable Circuit Court, on February 14, 2023.


Signed
Brian D. Hill



Brian D. Hill
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Pleading was transmitted, to the office of Glen Andrew Hall, Martinsville Commonwealth's Attorney, 55 W. Church Street, Martinsville, Virginia 24112, Email: ahall@ci.martinsville.va.us, on this 14th day of February, 2023.


Signed
Brian D. Hill

Brian D. Hill
Defendant